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Subcommittee on Environment and Hazardous Materials

**“Environmental Justice and the Toxics Release Inventory Reporting Program:
Communities Have a Right to Know”**

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Good morning. My name is Robert D. Bullard and I direct the Environmental Justice Resource Center at Clark Atlanta University in Atlanta, GA. Mr. Chairman and members of the Subcommittee, I want to first thank you for the opportunity to appear before you today at this subcommittee hearing.

This year marks twenty-five years since the Warren County, North Carolina PCB Landfill protests in 1982 made headlines and ignited the national environmental justice movement. This year also marks the twentieth anniversary of the landmark *Toxic Wastes and Race* report published by the United Church of Christ (UCC) Commission for Racial

Justice.¹ To commemorate this milestone, the UCC asked me to assemble a team of researchers to complete a new study, *Toxic Wastes and Race at Twenty 1987-2007*.² The report was released in March 2007. In addition to myself, the other principal authors of the new UCC report are Professors Paul Mohai (University of Michigan), Beverly Wright (Dillard University of New Orleans), and Robin Saha (University of Montana).

Toxic Wastes and Race at Twenty examined disparities by region and state, and separate analyses are conducted for metropolitan areas, where most hazardous waste facilities are located.

Study Findings

- People of color make up the majority (56%) of those living in neighborhoods within two miles of the nation's commercial hazardous waste facilities, nearly double the percentage in areas beyond two miles (30%).
- People of color make up more than two-thirds (69%) of the residents in neighborhoods with clustered facilities.
- 9 out of 10 EPA regions have racial disparities in the location of hazardous waste sites.
- Forty of 44 states (90%) with hazardous waste facilities have disproportionately high percentages of people of color in host neighborhoods—on average about two times greater than the percentages in non-host areas (44% vs. 23%).

Study Conclusions

¹ United Church of Christ Commission for Racial Justice, *Toxic Wastes and Race in the United States*. New York: UCC, 1987.

² R.D. Bullard, P. Mohai, R. Saha, and B. Wright, *Toxic Wastes and Race at Twenty: 1987-2007*. Cleveland, OH: United Church of Christ Witness & Justice Ministries, March 2007. The full report is available at <http://www.ejrc.cau.edu/TWART-light.pdf>.

- People of color are concentrated in neighborhoods and communities with the greatest number of facilities; and people of color in 2007 are more concentrated in areas with commercial hazardous sites than in 1987.
- Clearly, low-income and communities of color continue to be disproportionately and adversely impacted by environmental toxins.
- Residents in frontline communities comprise a special needs population that deserves special attention.

It has now been more than thirteen years since President Clinton signed Executive Order 12898, “*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*” on February 11, 1994.³ However, environmental justice still eludes many communities across this nation.

Numerous studies dating back to the 1970s have documented that people of color in the United States are disproportionately impacted by environmental hazards in their homes, schools, neighborhoods, and workplace.⁴ A 1999 Institute of Medicine study, *Toward Environmental Justice: Research, Education, and Health Policy Needs*, concluded that “low-income and people of color communities are exposed to higher levels of pollution than the rest of the nation and that these same populations experience certain diseases in greater number than more affluent white communities.”⁵

³ Executive Order 12898 of February 11, 1994, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” *Federal Register*, Vol. 59, No. 32, Wednesday, February 16, 1994.

⁴ R.D. Bullard, *Dumping in Dixie: Race, Class and Environmental Quality*. Westview Press, 1990; R.D. Bullard, *The Quest for Environmental Justice: Human Rights and the Politics of Pollution*. Sierra Club Books, 2006; R.D. Bullard, *Growing Smarter: Achieving Livable Communities, Environmental Justice and Regional Equity*. MIT Press, 2007.

⁵ Institute of Medicine, *Toward Environmental Justice: Research, Education, and Health Policy Needs*. Washington, DC: National Academy of Sciences, 1999, Chapter 1.

A 2000 study by *The Dallas Morning News* and the University of Texas-Dallas found that nearly half (46 percent) of the housing units for the poor, mostly minorities, sit within one-mile of factories that reported toxic emissions to the U.S. Environmental Protection Agency.⁶

Even schools are not safe from environmental assaults. A 2001 Center for Health, Environment, and Justice study, *Poisoned Schools: Invisible Threats, Visible Action*, reports that more than 600,000 students in Massachusetts, New York, New Jersey, Michigan and California were attending nearly 1,200 public schools, mostly populated by low-income and people of color students, that are located within a half mile of federal Superfund or state-identified contaminated sites.⁷

In its 2003 report, *Not in My Backyard: Executive Order and Title VI as Tools for Achieving Environmental Justice*, the U.S. Commission on Civil Rights (USCCR) concluded that “Minority and low-income communities are most often exposed to multiple pollutants and from multiple sources. . . . There is no presumption of adverse health risk from multiple exposures, and no policy on cumulative risk assessment that considers the roles of social, economic and behavioral factors when assessing risk.”⁸

A March 2004 EPA Inspector General report, *EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities*, concluded that the agency “has not developed a clear vision or a comprehensive strategic plan, and has

⁶ See “Study: Public Housing is Too Often Located Near Toxic Sites.” *Dallas Morning News*, October 3, 2000.

⁷ See the Center for Health, Environment, and Justice, *Poisoned Schools* report (2001) found at http://www.bredl.org/press/2001/poisoned_schools.htm.

⁸ U.S. Commission on Civil Rights, *Not in My Backyard: Executive Order 12898 and Title VI as Tools for Achieving Environmental Justice*. Washington, DC: U.S. Commission on Civil Rights, 2003, p. 27.

not established values, goals, expectations, and performance measurements" for integrating environmental justice into its day-to-day operations.⁹

In July 2005, the U.S. Government Accountability Office (GAO) criticized EPA for its handling of environmental justice issues when drafting clean air rules. That same month, EPA proposed major changes to its Environmental Justice Strategic Plan. This proposal outraged EJ leaders from coast to coast. The agency's Environmental Justice Strategic Plan was described as a "giant step backward."¹⁰ The changes would clearly allow EPA to shirk its responsibility for addressing environmental justice problems in minority populations and low-income populations and divert resources away from implementing Executive Order 12898.

In December 2005, the Associated Press released results from its study, *More Blacks Live with Pollution*, showing African Americans are 79 percent more likely than whites to live in neighborhoods where industrial pollution is suspected of posing the greatest health danger.¹¹ Using EPA's own data and government scientists, the AP study found blacks in 19 states were more than twice as likely as whites to live in neighborhoods with high pollution; a similar pattern was discovered for Hispanics in 12 states and Asians in seven states.

The AP analyzed the health risk posed by industrial air pollution using toxic chemical air releases reported by factories to calculate a health risk score for each square kilometer of the United States. The scores can be used to compare risks from long-term

⁹ U.S. EPA Office of Inspector General, *EPA Needs to Consistently Implement the Intent of the Executive Order on Environmental Justice*. Washington, DC: GAO, March 1, 2004.

¹⁰ Robert D. Bullard. EPA's Draft Environmental Justice Strategic Plan -- A "Giant Step Backward." (7/15/2005). *Environmental Justice Resource Center*, <http://www.ejrc.cau.edu/BullardDraftEJStrat.html>.

¹¹ David Pace, "AP: More Blacks Live with Pollution," *ABC News*, December 13, 2005, available at <http://abcnews.go.com/Health/wireStory?id=1403682&CMP=OTC-RSSFeeds0312>.

exposure to factory pollution from one area to another. The scores are based on the amount of toxic pollution released by each factory, the path the pollution takes as it spreads through the air, the level of danger to humans posed by each different chemical released, and the number of males and females of different ages who live in the exposure paths.

In 2006, the EPA attacked the community right-to-know by announcing plans to modify the Toxic Release Inventory (TRI) program by reducing TRI reporting. The program is widely credited with reducing toxic chemical releases by 65 percent.¹² As a researcher, I have used TRI data to support work in a variety of areas, including environmental justice, urban land use, industrial facility siting, minority health, community reinvestment, housing, transportation, smart growth, and regional equity.¹³

According to the EPA Science Advisory Board (SAB), the TRI data provide the only reliable source of longitudinal data to evaluate changes in facility and firm environmental performance, to conduct risk assessments of changes in toxic release levels, and to conduct spatial analysis of toxic hazards.¹⁴ The SAB reports more than 120 scholarly articles have been published using the TRI data to address a wide range of public health, economic and social science issues.

Clearly, the TRI has become a useful resource for many different organizations, including government, business, academic, and community groups. EPA's 2003 report,

How Are the Toxics Release Inventory Data Used, concludes:

¹² OMB Watch. Changing the "Right to Know" to the Right to Guess: EPA's Plans to Modify Toxics Release Inventory Reporting. (No Date), <http://www.ombwatch.org/tricenter/TRIpress.html>.

¹³ See Robert D. Bullard, Glenn S. Johnson, and Angel O. Torres, *Sprawl City: Race, Politics, and Planning in Atlanta*. Washington, DC: Island Press, 2000. Also see "Books by Robert D. Bullard," Environmental Justice Resource Center at Clark Atlanta University, <http://www.ejrc.cau.edu/rdbbooks.htm>.

¹⁴ Letter from EPA Science Advisory Board to EPA Administrator Stephen L. Johnson, "Toxics Release Inventory Data," July 12, 2006, <http://www.epa.gov/science1/pdf/sab-com-06-001.pdf>.

“A variety of stakeholders work with TRI data on a regular basis. Some data uses, such as risk screening, were recognized when the TRI was first implemented; other uses have developed as the program has matured and expanded. TRI data have been a key tool in the environmental justice movement and in the drive toward more environmentally responsible investment. The applications of TRI data will likely increase in number as environmental awareness grows and opportunities are identified for integrating TRI data with other types of information.”¹⁵

Policy Recommendations

The *Toxic Wastes and Race at Twenty* report makes more than three dozen recommendations for action at the Congressional, state and local levels to help eliminate the disparities. However, several of the report recommendations are especially timely for this hearing on H.R. 1103 (“Environmental Justice Act of 2007”) and H.R. 1055 (“Toxic Right-to-Know Protection Act”). They include:

1. **Pass a National Environmental Justice Act Codifying the Environmental Justice Executive Order 12898.** Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” provides significant impetus to advance environmental justice at the federal level and in the states. Congress should codify Executive Order 12898 into law. Congress will thereby establish an unequivocal legal mandate and impose federal responsibility in ways that advance equal protection under law in communities of color and low-income communities.
2. **Protect and Enhance Community and Worker Right-to-Know.** Reinstate the reporting of emissions and lower reporting thresholds to the Toxic Release Inventory (TRI) database on an annual basis to protect communities’ right to know.

¹⁵ U.S. Environmental Protection Agency, *How Are the Toxics Release Inventory Data Used? Government, Business, Academic and Citizen Uses*. Washington, DC: Office of Environmental Information, March 2003, p. 17.

Getting government to respond to the environmental and health concerns of low-income and people of color communities has been an uphill struggle. The time to act is now. Our communities cannot wait another twenty years. Achieving environmental justice for all makes us a much healthier, stronger, and more secure nation as a whole.